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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,609	01/18/2000	Roni Korenshtein	0441.P002	9890

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EXAMINER
HOANG, PHUONG N

ART UNIT	PAPER NUMBER
2126	4

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/484,609	KORENSHTEIN ET AL.
	Examiner	Art Unit
	Phuong N. Hoang	2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *18 January 2000* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 48* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____ .

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: .

DETAILED ACTION

Oath/Declaration

1.   The signatures of the inventors are missed.

Requirement For Information - 37 USC § 1.105

2.   Applicant and Assignee of this application are required under 37 CFR

1.105 to provide the following that the Examiner has determined is reasonably

necessary to the examination of this application.

The **scope of the requirement for information** is the Assignee's

(Etrade) documentation on the product listed on page 1 of the Specification

called KIVA Enterprise Server was added will assist the Examiner in determining

patentability. This documentation is not readily available to the Examiner outside

of this requirement.

Where applicant does not have or cannot have readily obtained items of

required information, a statement that the item is unknown or cannot be readily

obtained will be accepted as a complete response to the requirement for that

item.

In responding to those requirements that require copies of documents,

where the document is a bound text or a single article over 50 pages, the

requirement may be met by providing copies of those pages that provide the

particular subject matter indicated in the requirement, or where such subject

matter is not indicated, the subject matter found in applicant's disclosure.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

This requirement is subject to the provisions of 37 C.F.R. 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 1 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1, 3 – 6, 17 - 19, 24, 26, 28 – 32, 35 – 42, and 44 – 46 are rejected

under 35 U.S.C. 102(b) based upon a public use or sale of the invention KIVA

"Developing Kiva Applications" p. 71 – 74, 81 – 110, and 344 - 353.

As to claim 1, Kiva teaches streaming (streaming result section, p.

98 - 99), allocating at least one object corresponding to the page of data

(dynamic generate HTML-page, p. 95 paragraph 2), executing (execute(),

p. 83 and 84 paragraph 3) at least one object if the at least one object is a

proxy (dbsession, p. 350). The examiner does not have to meet the

component, or container because they are alternative.

As to claim 3, Kiva teaches allocating an occurrence of an

associated base agent (applogic, p. 82) corresponding to the page of data

(from HTML page).

As to claim 4, Kiva teaches calculating output data for the

occurrence of the component (based on HTTP header and body

components, p. 99), streaming out the data to the associated base agent

(passing parameter to applogic, p. 82 – 86).

As to claim 5, Kiva teaches a stream result (returning results from an applogic, p. 89) method of the associated base agent.

As to claim 6, Kiva teaches creating a reference (reference, p. 87 paragraph 2) to the associated base agent.

As to claim 17, Kiva teaches at least one object (applogic, p. 82) comprises all components within the page of data.

As to claim 18, Kiva teaches at least one object is executable (dbsession is executable, p. 350).

As to claim 19, Kiva teaches at least one object if the at least one object is a proxy (dbsession, p. 350).

As to claim 24, this is the system claim of claim 1. See claim 1 above for rejection.

As to claim 26, this is the product claim of claim 1. See claim 1 above for rejection.

As to claim 28, see claim 1 above for rejection. Further, Kiva teaches a base agent (applogic displays a HTML pape, p. 71 - 73) corresponding to the page of data, an object processing unit (inherent) to execute al least one object if the object is a component (HTTP header and body components, p. 99).

As to claim 29 and 35, Kiva teaches a base agent processing unit, base agent (AppLogic displays a HTML page, p. 71 – 73) corresponding to the page of data.

As to claim 30, see claim 4 above.

As to claim 31, see claim 5 above.

As to claim 32, see claim 6 above.

As to claim 36, Kiva teaches determining if a cache entry (new entry, p. 107) exits, if a cache entry is not found, allocating a new cache entry (new entry, p. 107), streaming out a cache entry value (stream result, p. 98).

As to claim 37, Kiva teaches matching cache criteria (match the criteria, p. 107), if the cache criteria does not match (value do not match, p. 107 paragraph 3), allocating an underlying object (p. 107, run applogic again) associated with the proxy, if the cache criteria matches (value match the criteria, p. 107), construct a cache key (new entry, p. 107).

As to claim 38, Kiva teaches cache entry match at least one input parameter (it is the minimum requirements for constructing a cache key).

As to claim 39, Kiva teaches examining the cache using cache key (as best understood, it has to examine the cache using cache key to know there are two match results in the cache, p. 107).

As to claim 40, see claim 3 above.

As to claim 41, Kiva teaches buffer entry (new entry, p. 107), transfer the buffer entry to the new cache entry (data has to transfer to the cache entry for caching).

As to claim 42, see claim 1 above.

As to claim 44 - 46, see claim 17 – 19 above respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 2, 7 – 15, 20 – 23, 25, 27, 33, 34, and 47 are rejected under 35

U.S.C. 103(a) as being unpatentable over Kiva "Developing Kiva

Application", and in view of Yost US patent no. 6,173,310.

As to claim 20, see claim 28 above for rejection. Further, Kiva

teaches streaming output data to the associated base agent (passing

parameter to applogic, p. 82 – 86).

Kiva does not teach a container.

Yost teaches generating at least one container object (container

col. 11), generating at least one object (spreadsheet attachment, col. 11

lines 45 – 50) from the occurrence of the container.

It would have been obvious to apply the teaching of Ramos to

Kiva's system because it provides a variety of input selections for the

users.

As to claim 21, as best understood, the system has to recursively

performing a – e while the system keeps streaming.

As to claim 22 and 23, see claim 1 above.

As to claim 25, this is the system claim of claim 20. See claim 20 above for rejection.

As to claim 27, this is the product claim of claim 20. See claim 20 above for rejection.

As to claim 33 and 34, see claim 20 above.

As to claim 2, Kiva teaches recursively (the processes repeat while streaming). Kiva modified by Yost in claim 20 meets the limitations executing to process at least one sub-object (spreadsheet attachment, col. 11 lines 45 – 50) contained within the at least object (spreadsheet containers, col. 11).

As to claim 7, see claim 20 for container.

As to claim 8, see claim 2 above.

As to claim 9, see claim 36 above.

As to claim 10, see claim 37 above.

As to claim 11, see claim 38 above.

As to claim 12, see claim 39 above.

As to claim 13, see claim 40 above.

As to claim 14, Kiva teaches creating a new key (new key, p. 107), reserving a new cache entry corresponding to the new key (obvious).

As to claim 15, see claim 41 above.

As to claim 47, see claim 20, 28, and 30 above.

5.   Claim 16 and 43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kiva "Developing Kiva Application", in view of Yost US patent

no. 6,173,310, and further in view of Vogt, US patent no. 6,049,847.

As to claim 16 and 43, Vogt teaches streams out an error

message (invalid state, col. 5 lines 48 – 50) if cache entry is empty

(empty).

It would have been obvious to apply the teaching of Vogt to Kiva's

system because it gives a notice when the cache entry is empty.

6.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Phuong N. Hoang whose telephone number

is (703) 605-4239. The examiner can normally be reached on Monday - Friday

9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Alvin Oberley can be reached on (703)305-9716. The

fax phone numbers for the organization where this application or proceeding is

assigned are (703)746-7239 for regular communications and (703)746-7238 for

After Final communications.

Any inquiry of a general nature or relating to the status of this application

or proceeding should be directed to the receptionist whose telephone number is

(703)746-7140.

ph
February 8, 2003

ALVIN OBERLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100